

CONFERENCE OF THE EIGHTEEN-NATION COMMITTEE
ON DISARMAMENT

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FINAL VERBATIM RECORD OF THE FORTY-SEVENTH MEETING

Held at the Palais des Nations, Geneva,
on Friday, 1 June 1962, at 10 a.m.

Chairman:

Mr. HASSAN

(United Arab Republic)

PRESENT AT THE TABLE

Brazil:

Mr. A.A. de MELLO-FRANCO
Mr. RODRIGUES REBAS
Mr. de ALENCAR ARARIPE

Bulgaria:

Mr. E. TARABANOV
Mr. N. MINTCHEV
Mr. G. GUELEV
Mr. M. KARASSILEONOV

Burma:

U Tin MAUNG
U Aye LWIN

Canada:

Mr. E.L.M. BURNS
Mr. J.E.F. HARDY
Mr. J.F.M. BELL
Mr. R.M. TAIT

Czechoslovakia:

Mr. J. HAJEK
Mr. M. ZEMLA
Mr. E. PEPICE
Mr. J. BUCEK

Ethiopia:

Mr. M. HAMID
Mr. A. MANDEPRO

India:

Mr. A.S. LALL
Mr. A.S. MEHTA
Mr. K.K. RAO
Mr. G.D. COLLAR

PRESENT AT THE TABLE (cont'd)

Italy:

Mr. F. CAVALLETTI
Mr. A. CAGIATI
Mr. F. LUCIOLI OTTIERI
Mr. C. COSTA-RIGHINI

Mexico:

Mr. L. PADILLA NERVO
Mr. E. CALDERON PUIG
Miss E. AGUILERA
Mr. GONZALES GOMEZ

Nigeria:

Mr. A.A. ATIA

Poland:

Mr. M. NASZKOWSKI
Mr. M. BLUSZTAJN
Mr. M. BIEN
Mr. J. SLAWINSKI

Romania:

Mr. G. MACOVESCU
Mr. C. SANDRU
Mr. E. GLASER
Mr. O. NEDA

Sweden:

Mrs. A. MYRDAL
Mr. G.A. WESTRING
Mr. E. STAHL
Mr. B. FRIEDMAN

Union of Soviet Socialist Republics:

Mr. V.A. ZORIN
Mr. A.A. ROSHCIN
Mr. I.G. USACHEV
Mr. V.N. ZHEREBTSOV

PRESENT AT THE TABLE (cont'd)

United Arab Republic:

Mr. A.F. HASSAN
Mr. A. El ERIAN
Mr. M.S. AHMED
Mr. N.R. El SHERIF

United Kingdom:

Mr. J.B. GODBER
Sir Michael WRIGHT
Mr. J.S.H. SHATTOCK
Mr. J.K. WRIGHT

United States of America:

Mr. A.H. DEAN
Mr. C.C. STEELE
Mr. V. BAKER
Mr. R. STURGILL

Special Representative of the
Secretary-General:

Mr. O. LOUFI

Deputy to the Special Representative
of the Secretary-General:

Mr. W. EPSTEIN

The CHAIRMAN (United Arab Republic): I declare open the forty-seventh meeting of the Conference of the Eighteen Nation Committee on Disarmament.

Mr. DALL (India): I should like to make a few remarks on general and complete disarmament. In them I shall endeavour to pull together some points which have been occurring to us as a result of statements made during the past few days.

I should like to say, first of all, that we are most grateful to the delegation of the United States for a number of recent statements made by Mr. Dean, which have clarified the position of the United States and helped us very considerably to understand its approach and also some of the details of the United States plan. This clarification will certainly help us to make progress in our work.

During the same period of a week or so our colleague Mr. Zorin has been, if I may say so, a little more reticent. However, we are very grateful to him for the important statement which he made on Wednesday, 30 May. This has given us further clarification of the position of his delegation also, and thrown more light on the Soviet disarmament plan.

If today we ask more questions and make certain comments on the plans of both sides, it is because, for us at any rate, there are still matters to be cleared up and issues which we do not see, perhaps, as fitting into the delineations of the two plans as made to us by their sponsors. We would ask both sides to bear with the remarks we will make, to regard them as tentative, and to accept our assurance that we seek to assist the process of coming together and that even such criticism as we might make has this purpose.

May I turn to the question of the transition from stage to stage and the issue of the veto? I do not want to go over the arguments of the two sides in this matter at all, but I do wish to refer very briefly to what the representative of the United States said on 30 May. I thought he spoke with great and charming modesty about the suggestion which I had made once or twice, that perhaps the two co-Chairmen could be associated with the process of disarmament in the same exalted or difficult position which they now occupy, namely, as co-Chairmen, and that they should be co-Chairmen of the control council and should make joint recommendations to the control council, which would then take a vote according to its procedures on the progress from stage to stage.

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Mr. Dean, in his modesty, did not mention that I had suggested that the United States and the Soviet Union should remain co-Chairmen of the control council. We attach significance to that suggestion. In our view, it is not enough for there to be a joint recommendation from the United States and the Soviet Union; we think that the whole process of disarmament would be assisted by establishing continuing co-operation between the leaders of the two sides through their retaining the function of co-Chairmen during the process of disarmament. This will, we believe, help to smooth out various issues which will arise; it will be conducive to the process of increasing mutual confidence on both sides as disarmament proceeds. So we would be grateful if the United States delegation, which I believe has shown some interest in our suggestion, would bear in mind that the suggestion goes a little further than Mr. Dean seemed to indicate on 30 May.

Now I would like to say a brief word --and this is my second thought on this issue of transition and veto --as to the functions of the Security Council for the maintenance of international peace and security. The way in which we conceive the disarmament plan --and we believe this would be common ground between us all here -- is that the plan would be part of the United Nations family, as it were; it would function within the framework of the United Nations as far as possible.

In any event, there would be nothing in this disarmament plan which would supersede the fundamental procedures of the United Nations Charter. It is perfectly obvious, and we all know it, that under the United Nations Charter the Security Council has particular functions in regard to the maintenance of international peace and security. I am looking particularly at Article 39 of the Charter. Nothing that we do through a disarmament plan will upset the procedures or narrow the scope of Article 39 of the Charter. I am sure that is common ground. If that is so, then is it not true that even when disarmament is going on and when it is completed, the provisions of the Charter, particularly those with regard to the Security Council, will remain intact and in being? That being so, is it necessary to mention in our disarmament treaty the provisions of the Charter relating to the Security Council?

In short, I would suggest, to our Soviet colleague in particular, that the proposal contained in article 40 of the Soviet draft might be re-examined. I would ask the Soviet representative to look at this article, which is headed "Functions and Main Bodies". The main bodies are mentioned in the first paragraph of article 40

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and the functions are mentioned in the first sentence of the next paragraph, but the bulk of that paragraph relates not to the functions of the bodies to be set up here but to the functions of the Security Council. Furthermore, I would draw attention to the fact that in articles 41 and 42 the functions of the conference and of the control council are fully spelt out. Since there is only one sentence in article 40 about the functions of these bodies, and since there is a full spelling-out of the functions in the two succeeding articles, is it necessary to retain the second paragraph of article 40---taking into account, of course, what I have said, namely, that the functions of the Security Council under the United Nations Charter will continue intact, that there can be no derogation from the functions of the Security Council as a result of the adoption of a disarmament treaty?

Frankly, I make this suggestion because I wish to put beyond doubt the fact that the Security Council veto will not apply to the transition from stage to stage of the disarmament process. That is my objective. I would like there to be no misunderstanding on this point. I am not trying to say that the Security Council's functions would not be attracted if certain circumstances were created in the world, whether before or during the process of disarmament or after the world is disarmed. Certainly cases may be created which would attract the Charter functions of the Security Council. If further consideration can be given to my suggestion regarding transition, we might be able to find a meeting place regarding this important matter. I would like to draw attention to the fact that a number of representatives speaking here have made it very clear that it would be extremely difficult for them to conceive of a unified treaty on disarmament in which there were watertight compartments and in which the process of disarmament could be interrupted between the stages. The Security Council veto makes the chances of interruption of the process of disarmament far too wide, and far greater than such necessities as may be applicable to the case.

Now I should like to talk for a few minutes on the important subject of control or verification. During these last few days there has been much talk about verification and we have been talking, I believe, about three kinds of verification. First, we have talked about verification of arms and so on which are destroyed, that is to say, of reductions, or eliminations, of armaments. Secondly, we have talked about verification of retained arms. Thirdly, we have talked about verification to assure us that there are no arms hidden "under the jacket", no arms concealed

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unlawfully. I would suggest that the following questions and considerations arise in regard to these three categories.

So far as the first category is concerned, that is to say, verification of destruction, or reduction or elimination of a particular type of armament, both the disarmament plans before us work on the basis of presented inventories of armaments. The actual and verified destruction is to take place on the basis of inventory figures. This is common ground in the two plans.

So far as the second category of verification measures is concerned, that is, verification of retained arms, having listened very seriously and carefully to the discussions I am bound to say that the position in this matter is not clear to me. In fact, as I study this matter I find that the following question is raised in my mind: Are we not really after the third category, not retained arms but concealed arms, that is to say, clandestine activities rather than lawfully-retained arms? What is our law of disarmament? I am making a projection from the plans as they are. The law starts from the inventories; that, if you like, is article 1 of our law. It goes on to destruction; that, if you like, is article 2 of our law. It would follow from articles 1 and 2, if they were faithfully carried out -- I mean. if the inventories were good and if destruction was made on the basis of agreed figures, percentages, eliminations or whatever -- that what remained was a lawful remainder of arms.

But because of the lack of confidence, which we must admit, and because -- and again we must admit and face this fact -- disarmament deals with a most crucial matter touching the very basis of our security all around this table and all over the world, we do want to know and we will want to know whether article 2 of the law of our disarmament arrangements, that is to say, agreed reductions or eliminations, is not being got around by concealment or by surreptitious and countervailing build-ups of arms. Surely that is the point. Is this not the real issue before us rather than that of lawfully retained arms?

I think I am right in looking at the issue this way, and I should like to quote from two statements which we might almost take as Scripture on this matter. I will first quote from the statement Sir Michael Wright made on 28 May. He said:

"If there were adequate peace-keeping machinery and an adequate peace-keeping force, there would be little, or at least less, incentive for the hidden retention of arms, for hiding arms 'under

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the jacket, and this would surely ease the problem of control".

(ENDC/PV.43, p.10) --

for the "hidden retention of arms", that is to say, for clandestine, for unlawful retention of arms, not for lawful retention of arms. The issue there is hidden retention of arms.

If that is not sufficient, may I now read from Mr. Dean's most recent statement on this matter, which he made on 30 May? He said:

"Therefore the United States believes that regardless of whether reductions are effected by agreed numbers or percentages in such sensitive areas, the point is reached very soon where some assurance is needed that the weapons destroyed are not replaced and that no armaments are in fact concealed." (ENDC/PV.45, p.11)

Both of these would be illegal processes, of course-- the replacement of weapons and the concealment of weapons. Mr. Dean did not raise any objection to lawful arms. Why should he? They are not objectionable. Mr. Dean is a lawyer and respects the law more than any of us here, perhaps; so he does not object to lawful retentions. Indeed, a little further on, when speaking of production of fissionable materials, cut-off date, and so forth, he spoke of:

"inspection such as the progressive zonal plan to give assurance that no clandestine facilities are maintained." (ibid., p.12)

It seems pretty clear to me that the problem is not one of retained arms, it is that of concealed, hidden, unlawfully retained, unlawfully built-up arms; that is a different matter from checking lawfully-retained arms. I think this comes out from the statements of Mr. Dean and Sir Michael Wright which I have just quoted.

I would therefore suggest that an important conclusion seems to present itself to us: that is, that we should focus our attention on the first and third matters regarding verification, namely, the question of destruction and the question of concealment, or getting around the lawful position, rather than on the second matter which we have been discussing, namely the verification of retained arms. Surely that follows from analysis of the situation.

On the first matter, that of destruction of arms: as I said, the two plans are on common ground; there is not much difference. I believe this has been admitted by both sides from time to time.

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regarding unlawfully-concealed arms or build-up of armaments to replace agreed destruction --again an unlawful activity --I should like to refer to two points. First, there is the question of production to replace agreed destruction under verification. I would like to say here, in parenthesis, that the slower the advance of the disarmament plan the more complicated this particular problem becomes. We have all been telling ourselves in this room, quite rightly, from time to time, that we must be realistic, that we must accept the facts. Of course we must be realistic and of course we must accept the facts. We must try and balance and assess the various facts involved in an issue and we must, on that basis, decide on such matters as the pace of our disarmament plan. I would suggest that the complications which arise out of a slow plan are equally facts to be considered by all of us, and I hope that when we come to this question of the pace of the disarmament plan we will take that into account.

Let me return to the question of production to replace destroyed armaments as agreed in the course of the plan. I would like to point out that surprisingly little has been said in our discussions --surprisingly little-- on controls on the reduction and cessation or production of armaments. I should like to draw attention to the fact that this point seems to have been missed. For example, Sir Michael Wright on 28 May talked of three categories of verification and he went into some detail about them, but he never once mentioned verification of cessation or reduction of production of armaments: not once. I have tried to check this carefully and, indeed, I have verified it by re-reading Sir Michael's remarks. I hope he will find that I am correct in making this statement. I am not making an accusation against him --I want to be very clear on that point-- because in a way he was quite right in not mentioning this matter. Why should he have mentioned it? It had not been raised.

But I would submit that it does arise, and we in our delegation will have more to say about it in future. At this stage I want to mention it simply because it is a very important point and should not be overlooked. I would submit that we are not getting a complete picture because this point is not being mentioned, and we might, as a result of overlooking this point, tend to exaggerate somewhat the need for other aspects of verification. That is quite natural: if we overlook one aspect of verification and forget that it is there, and forget that it is going to affect the process of disarmament, we may exaggerate other aspects.

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I would submit that here is a left-out positive element which must affect our thinking and which will bear very directly on the point of clandestine activities -- which, I suggest, rather than lawfully-retained arms, are what cause disquiet in our minds. By the way, I would like to say that the plans themselves are not entirely silent on this matter of verification of production, and I think the Committee will recollect that on 21 May I referred to some aspects of the Soviet plan -- to article 22 in particular. The statement which I made then provoked certain remarks from Mr. Dean. He said:

"Mr. Lall also referred to the provision of the Soviet draft treaty which appears to provide a right of inspection to all atomic energy plants (ENDC/PV.40, page 47). On 28 May I dealt with these provisions, and with the interpretation of them made by our Soviet colleague. It would be a very hopeful sign indeed if they had the meaning Mr. Lall gave them, but I believe we must await the detailed answers of the Soviet representative to our questions, before we know whether this is true." (ENDC/PV.45, p.18)

We would of course welcome further clarification from our Soviet colleague, and anyway much more thought must be given to these matters in both plans and by us all.

So much, then, for the question which arises, and which I suggested has been largely overlooked, of the control and verification measures which will apply to the reductions, or eliminations, of production -- a very important point. I would say that in addition to this we will want some general assurance that fresh production units are not being set up to get round the agreed reductions and eliminations. Now this is a matter of which, at this stage, we in our delegation would like only to take note.

I would now like to refer to the interest which Mr. Dean took in a suggestion which I had mentioned previously and to his request for more details about it. This is with reference to a possible alternative to zonal inspection as proposed by the United States. We will bear in mind Mr. Dean's interest in this matter and we will revert to it at the appropriate time, so as to explain more fully, and perhaps to assist in that way in the search for a widely-acceptable method to deal with this problem, which certainly does arise.

I now want to turn to the question of the maintenance of the existing pattern of armaments as reductions proceed under the disarmament plan. We all know that

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this is a matter about which Mr. Dean has spoken frequently, and he has stressed the importance which the United States Government and delegation attach to maintaining the pattern of armament as we cut it through disarmament-- maintain the armament mix, not altering it. But I would like to submit a question to the United States delegation: Does the United States plan really maintain the present pattern or mix of armament? Let us see. I would like to examine this, very briefly and quickly.

The way I see it is this: in stage I of the United States plan there is no direct reduction of nuclear weapons. It is contended that some reduction might result if a considerable quantity of fissile material were put aside as proposed, but this remains conjectural, and the other side-- that is the Soviet delegation -- has said that it would not result in any dismantling of nuclear weapons.

Secondly, there is no reduction at all of chemical and biological weapons in stage I.

Thirdly, there is no reduction of the conventional weapons listed in part A, paragraph 2 b. of stage II of the plan.

Fourthly, there is no reduction of the small arms which are not listed either in stage I or in stage II of the United States plan.

Now what will be the effect of this position? Will it not change the present pattern or mix, and change it rather heavily, in favour of weapons of mass destruction? That seems to me a very serious point, which arises because there will be no reduction of CBR weapons and there will be no reduction, specifically, of nuclear weapons. I do take into account that there will be a reduction of 30 per cent of the means of delivery of these weapons. But then it can be argued that if weapons were not reduced at all, 90 per cent in the first year, 80 per cent in the second year and 70 per cent in the third year of the means of delivery might be quite enough to deliver the 100 per cent of weapons of mass destruction in stock today. Therefore it would seem to me that here is a very unfortunate alteration of the mix or pattern, and one which must arouse considerable apprehension in our minds.

Let us look at stage II of the United States disarmament plan. By far the greater part of conventional armament is cut down in this stage of the plan to 35 per cent of the original level. I believe that is correct-- a 50 per cent cut of what remains after stage I, leaving 35 per cent of the original level. But now let us look at nuclear weapons. We are told in the plan that they are to come down on the basis of agreed percentages, but we are not told what those percentages are. So

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there is at the very least a continuing potential of a changed mix or pattern in favour of these dreadful weapons.

My second point in connexion with stage II is that chemical and biological weapons are to come down to 50 per cent of the original stock, whereas conventional armaments are to come down to 35 per cent. So, again, the mix is altered in favour of weapons of mass destruction.

I raise these points very frankly, in order to seek clarification and to indicate that it seems to me that the mix or pattern is altered by the United States plan. I do not, of course, raise this particular point about the Soviet plan, because not only has Mr. Zorin not said that his plan maintains the mix but he has stoutly maintained that it does not maintain the mix, and that it eliminates all nuclear delivery vehicles in stage I and all nuclear weapons in stage II; and he has defended that position. So this particular issues does not arise so far as the Soviet plan is concerned; but it seems to me it does arise so far as the United States plan is concerned.

I would like to say, very frankly, that we do not ourselves subscribe to the view that the mix should not be altered. We have pointed out that under neither plan does the mix remain unaltered, and I suggest that the fact that neither plan maintains the mix unaltered means that we are at liberty to alter the mix or the pattern of armament as we proceed with disarmament.

I would now like to make some further remarks at this stage about weapons of mass destruction. Are we, in making these plans, giving sufficient attention to the fact that the longer weapons of mass destruction remain in the arsenals of any country, the longer will the temptation subsist for countries which do not possess those weapons to get hold of them, or to make them, in a clandestine manner. That will be the effect. We have been told we should be realistic. Yes, we must be realistic. Let us be realistic on this important point. Let us be realistic about the fact that the longer any country thinks it must hold these weapons, the longer will the temptation exist for other countries to get hold of these weapons. And what complications will follow in the pursuit of our objective of a peaceful world? Not only a disarmed world but---as the United States delegation says --- "disarmament in a peaceful world"; or, as I think, "disarmament for a peaceful world."

(Mr. Lall, India)

I would submit that in this question of weapons of mass destruction our realism must extend beyond the present holders of such weapons. I say again that science is not the monopoly of any country, technology is not the monopoly of any country. We all know that in fact all the estimates that have been made of the length of time which it takes for technology to spread have been over-statements. There were over-estimates both in the United Kingdom and in the United States of the length of time that it would take for the Soviet Union to develop nuclear weapons after 1945. The facts showed that the Soviet Union got nuclear weapons in a shorter time. The same was true of the estimates about the hydrogen bomb. Sir Charles Snow brings out this point very clearly in his last book.

I must point out that we feel very concerned indeed at the continuance of weapons of mass destruction over long periods of time. We would request the delegations primarily concerned to take this matter into account -- and, if I may say so, with great respect, in the interests of their own security. How much more difficult will that security become if nuclear weapons spread. I know it is suggested that the price of nuclear weapons is so high that countries cannot develop them. This, too, I would submit is not true. That costs "X" in one country can cost one-fourth of "X" in another country. What costs "X" in one country may be determined by its geographic location, by the fact that its weapons have to be carried immense distances or have to be delivered at immense distances. But the trouble which neighbours could cause to each other with even primitive nuclear weapons would be something frightful. We are concerned about these matters and we think that they deserve the attention which we hope they will receive.

One more point, and then I will cease. I would refer to the nuclear study which has been proposed. This point figures in the United States plan. Mr. Zorin has told us that the fact that it does not appear in the Soviet plan does not mean that the Soviet Union is necessarily against a nuclear study. This is how I understood him, at any rate. I gather, in fact, that both sides would agree to such studies. We have pondered very carefully upon certain remarks which Mr. Dean has made; I will not quote them because I do not want to detain the Committee any longer on this matter, but Mr. Dean in particular will know which remarks I am referring to. When he was talking about the destruction of nuclear weapons, he said that we would depend upon inspection and upon the zonal system (ENDC/PV.43, p.18). In his most recent statement he gave us three questions which he thought could be clarified in a nuclear study (ENDC/PV.45, p.14).

(Mr. Lall, India)

The first question related to storage arrangements. I would submit that storage arrangements are not so important that they should hold up progress of nuclear disarmament.

The second point was concealment of nuclear weapons. That is a very important point and I think it ought to be studied. What I am going to suggest about this matter, in order to enable all the members of the Committee to appreciate this issue fully, is this: would it not be possible for those of the countries around this table which have already made studies about this matter to circulate to the other countries or to circulate as Conference papers summaries of the work they have done in this regard? I believe I am right in saying that Mr. Godber has stated that the United Kingdom has done work on this matter. It may be that some work on this matter has been done in non-nuclear countries. I would suggest that if we could look at some papers on this matter we might more clearly realize the need, or perhaps the opposite, of this study. I am not saying that it is not necessary to have a study, but I think we should see what work has been done, and this exchange of papers might in itself clarify some of the issues involved. I make that suggestion particularly to the nuclear powers, but not necessarily to them alone.

I had hoped to make some remarks about confidence and the inter-relationship of confidence and disarmament, because this is a matter which has been raised so often, but I will not do so at this stage because I have taken too much time already; I will come back to some of these matters on a subsequent date.

Mr. DEAN (United States of America): I have listened with the greatest interest, as I always do, to the remarks of the representative of India. I assure him that we shall study his remarks with the utmost care and that we shall in the near future endeavour to answer the very pertinent questions which he has put to us.

I do not want to go into any detail this morning, but I might just say, since the representative of India has already touched upon this matter, that we do provide in our plan, under section A of stage I, paragraph 3e (page 7), that, after we have decided whether to adopt zonal inspection or progressive zonal inspection, or something else, we work out an annex on verification which, of course, would be attached to the treaty. In paragraph 4 we suggest that:

"The parties to the treaty would agree to examine unresolved questions relating to means of accomplishing... the reduction and eventual elimination

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of production and stockpiles of chemical and biological weapons of mass destruction." (ENDC/3C, p.7)

In our plan we provide that there should be a 30 per cent reduction in stage I, and then a 50 per cent of what remains in stage II. We have not drafted this in detail because we still hope to spend some more time with our colleagues on the question of progressive zonal inspection; if it is not satisfactory, we should like to discuss what system of inspection should be adopted. But I shall be very happy to reply in more detail at a later date.

I might say in passing before I start my statement this morning that I have been accused of many things, but this is the first time in my career that I have ever been accused of modesty -- and I thank the representative of India.

I think I should warn my colleagues that my statement this morning will be even more boring than usual because I shall be making some observations about the working draft of part I proposed by the United States and the Soviet Union. (ENDC/4C/Rev.1) As members know, the words in single parenthesis represent United States preferences and the words in double parenthesis represent Soviet Union preferences.

This document is the product of many frank discussions and exchanges of views between the two co-Chairmen throughout the month of May. I feel that these exchanges of views have been immensely helpful. There has been constructive give-and-take on both sides, and the result, I believe, is a document which substantially advances our work. We have found it possible to agree between ourselves on a number of points where we were previously in disagreement, and at the same time we were able to identify certain areas of disagreement of a significant nature. These areas of disagreement will be clear from a reading of document ENDC/4C/Rev.1.

At the outset I should like to explain two major concerns of the United States delegation which relate to a number of bracketed words and phrases throughout the entire text that is before you. The first point is that my delegation believes it is important to preserve clearly the concept that part I sets forth basic purposes of the treaty. The second point flows from the first: since part I contains over-all purposes of the treaty, it follows that we should generally not attempt in part I to spell out in precise detail provisions which must really be reflected in specific language in subsequent parts of the treaty. These considerations account for a number of the bracketed phrases.

(Mr. Dean, United States)

As I am sure you will recall, originally our part I was entitled "Objectives and Principles". This stemmed from the fact that in our outline there was a section A entitled "Objectives" and a section B entitled "Principles". We believed that this was a useful way to start a treaty, and there were important precedents in support of this concept. I refer particularly to the Charter of the United Nations. Chapter I of the Charter is entitled "Purposes and Principles". Actually the Charter of the United Nations seemed to us to be the general multilateral treaty most similar to the treaty on general and complete disarmament we are trying to negotiate and draft here. Not only does the Charter of the United Nations establish an international organization, which of course is its principal purpose, but in addition it contains fundamental obligations of a general nature. In other words, the United Nations Charter seemed to us, and still seems to us, to be a completely appropriate, and indeed very helpful, precedent.

We were informed, however, by our Soviet colleagues that the Soviet delegation considered it of great and indeed fundamental importance that the word "obligations" be included either in the title of part I or in the title of each of the articles comprising part I. We thought that, since part I would come after the preamble and after a clause saying, "The parties agree as follows", or some such wording, it would be absolutely clear that all provisions thereafter in part I would be obligations. Nevertheless, in an effort to meet the views of our Soviet colleagues, we suggested the overall title to part I of "Outline of Treaty Obligations". We thought, and indeed still think, that "Outline of Treaty Obligations" is a completely accurate description of what is to be contained in part I. As I think we are all aware, and as many of us have explicitly recognized, the provisions of part I of our treaty are not intended to spell out in detail the obligations of parties regarding disarmament. Indeed there will have to be lengthy negotiations to elaborate into obligations the general purposes stated in part I. In some cases sentences or phrases contained in part I will have to be elaborated into a half-dozen or even a dozen articles or perhaps even into an entire section of the treaty. In other words, we think it is indisputable that the provisions of part I, as well as being general purposes, really constitute a broad outline which the rest of the actual text of the treaty will complete.

(Mr. Dean, United States)

Originally, it was unmistakably clear in our proposal that part I would consist of "Objectives and Principles". Not only were the parts of article I so labelled, but there was no break-down, in our original proposal, of articles dealing separately with the elimination of armed forces and armaments, control, and maintenance of international peace and security. Our Soviet colleague told us, however, that the Soviet delegation considered it quite important that we separate part I into three distinct sections covering these three topics. We were willing to meet our Soviet colleagues in this way, because in fact it is possible to group the clauses in this manner. However, having accepted this Soviet proposal, we think it all the more important that the true character of these provisions as general purposes be clearly and explicitly recognized.

Let me make this clear. Our preference that the title of part I reflect the outline nature of what is contained in part I and that the introductory sentence contain the phrase "with the following general purposes", does not result merely from a desire to pursue doggedly the dictates of pure logic. Rather, we do not think it would be wise, or indeed make good sense, to obscure the true nature of part I. We are concerned that, if we deleted the words "Outline of" from the title of part I, or the words "with the following general purposes" in the introductory sentence, we should be creating a general illusion of progress and agreement, which would not really be warranted and which indeed might cause much trouble in drafting later on.

Although I think, as I have said before, that our work on Part I has been of very considerable use, and that we have made considerable progress, I am afraid that this document might be widely misunderstood as putting up a rather false facade if it gave the impression that all the general treaty obligations which are not enclosed by brackets in this draft had been settled, and that all that remained was to fill in a few drafting details in the rest of the treaty. Even where we have no brackets we still have an immense amount of exploration, negotiation and drafting to do in the future, and this fact must be explicitly recognized, we believe, on the face of the document.

(Mr. Dean, United States)

I might say at this point that we have been considerably influenced in our thinking concerning this entire problem by the most helpful analysis and suggestion made by the representative of Brazil, Mr. de Mello-Franco, at the thirty-third plenary meeting of this Committee. Mr. de Mello-Franco called our attention to legal analogies in the field of domestic law. I might say in passing that, since there has been so much criticism of lawyers in diplomacy, I should not have dared to follow Mr. de Mello-Franco's example. I would like, however, to quote from his explanation:

"We often find in instruments of municipal public law, particularly in the constitutions of States, many principles which are not self-executory -- that is, which can only be implemented by special complementary laws. I think that is exactly the case of the draft treaties we are examining. There is a general part which, although mandatory, cannot be implemented by itself; it depends on the provisions that are to be negotiated later." (ENDC/PV.33, p.17)

I should like to point out that our distinguished colleague referred to these introductory clauses as "principles" -- I repeat "principles" -- which are not self-executory, and immediately after that he again referred to these clauses as "principles ... which can only be implemented by special complementary laws". I should like to say again that in our work our delegation found Mr. de Mello-Franco's analysis extremely helpful and enlightening. We believe that the concept which he expressed is the same as that expressed by the provisions our delegation would like to see included in the title of part I and in the introductory clause.

I said earlier that if the nature of the provisions of part I were understood to be purposes or to constitute an outline of obligations, it would necessarily follow that it was not appropriate to try to spell out in detail provisions which are to be the subject of extensive drafting and negotiations later on. I should now like to go through our working draft and point out the places where this is the case and where words in brackets, either single or double, have consequently been required.

In article 1, paragraph 1 (b) we have proposed in the single brackets a general clause which limits the armaments, forces and facilities to be left at the end of general and complete disarmament to those "agreed to be necessary" to maintain internal order; and in article 3, paragraph 3 our version says that the United Nations peace force would be equipped with "agreed types of armaments". I

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mentioned this yesterday in my remarks as something that still had to be worked out, and members will also recall what Mr. Zorin had to say on this subject. The Soviet version, on the other hand, not only in the articles and paragraphs I have mentioned but also in article 1, paragraph 2 (a), seeks to make decisions now as to the type of armaments which might be available or be produced both for maintaining internal order and for supporting the United Nations peace force.

We believe that it is not possible -- or perhaps more precisely, not really desirable -- to try to decide now whether, for instance, the forces to maintain internal order should be equipped only with "light firearms", as suggested in the Soviet draft. I believe Mrs. Myrdal raised this point. We believe that at this stage of our knowledge and of our negotiations we cannot be sure whether this is the correct and the only solution. We think we should hear from many countries whether light firearms -- just to pursue this example -- will really be adequate for the task. It could be that in some countries it would be completely justifiable to maintain a limited number of armoured cars. Would this be a "light firearm"? It seems to us that these are questions which ought to be reserved for detailed study, comment and agreement at a later time. We think that our concept of agreed types of armaments or forces is the proper one for inclusion now in a part of the treaty which contains an outline of obligations and general purposes. I am sure that all of you are familiar with the problems of maintaining order, internal police problems, and will be able to make comments on what is needed in your countries.

The difference I have just been describing with respect to the method of arming forces for internal order or of supporting the United Nations peace force manifests itself in a great many of the bracketed clauses throughout part I. This is evident from a reading of part I, so I will not take the time of the Committee to explain in detail each of the bracketed provisions that relate to this point.

Another place where we think there is unnecessary and undesirable detail in the Soviet version is in article 1, paragraph 2 (g), on page 2. Originally in our draft we called just for the discontinuance of military expenditures. The Soviet delegation wanted to include explicitly "whether from State budgets or from organizations or private individuals." We added the word "all" before the words

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"military expenditures" so that, in fact, all types of military expenditures would be covered. We thought and hoped that this would meet the concern of our Soviet colleagues, and we still hope so. On the other hand, the more detailed language which the Soviet delegation proposes to add is unclear to us. In our country, and I think in most other countries, private individuals do not engage in military expenditures. I do not know, for example, whether the use of these words would prohibit individuals from expending money for any type of sporting arms, as I understand it, in some countries it is still necessary to hunt game with firearms. I do not know whether the purchase of a weapon for such a purpose would be regarded as a military expenditure by a private individual. In any event, if we insert the word "all", as we are prepared to do, then later on, when we come to negotiation of the actual text of the treaty and of the explicit article or articles that will cover this point, we can decide the detail in which we wish to spell out the obligation.

In the remaining portion of my remarks I should like to discuss, one by one, the principal issues which are indicated by the various brackets in our working draft.

In the opening phrase of article 1, paragraph 2, "To carry out, over a period of ____ years", there is a difference between the United States and the Soviet Union on whether it should be specified that general and complete disarmament would be carried out in a certain number of years. Even though our Soviet colleagues have agreed that we need not fill in the blank at this moment, eventually, of course, we would have to do so. We continue to believe, for the reasons which I have explained on a number of past occasions, that it would not be desirable to include a phrase such as the one in double brackets indicating the Soviet preference at the beginning of paragraph 2. We think this would be premature and not particularly helpful to our main task of working out and agreeing upon the precise measures of disarmament, control and strengthening of machinery for keeping the peace, which after all constitutes the core of our work.

But in connexion with time limitations it is important not to overlook article 1, paragraph 4. This paragraph states that general and complete disarmament should be carried out "in three consecutive stages each having a specified time limit". We shall try as early as possible, that is just as early as

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we think it is practicable, to specify a time for the third stage of disarmament. When we have agreed on a period for the third stage, we shall have a very clear idea of how long general and complete disarmament ought to take.

The next issue of some substance is reflected in the first single brackets of article 1, paragraph 2 (a). The United States delegation would have that clause refer to "dismantling of military establishments, including bases wherever they might be located". But this clause is unacceptable to the Soviet delegation, which has maintained its position on article 1, paragraph 2 (d). That clause refers to the dismantling of "all kinds of foreign military bases" and the withdrawal and disbanding of all "foreign troops" stationed in the territory of any State.

Initially in our treaty outline we proposed the dismantling of military establishments "including bases". Then we found that the actual geographical location of bases was of immense importance to our Soviet colleagues and that they felt that dismantling of foreign bases in particular must be included. Therefore, in order to meet the view of the Soviet delegation on this point, we added to our draft after the word "bases" the phrase "wherever they might be located", so that there would be no doubt that foreign bases, as well as domestic bases, would be covered. We do not see how this could possibly be objectionable. Surely it is an objective or purpose of general and complete disarmament to eliminate all military bases, foreign or domestic, wherever they might be located.

The logic of the position I have just stated was apparently quite convincing to the Government of the Soviet Union as late as 1960. On 23 September 1960 the Soviet Government submitted to the General Assembly of the United Nations proposals for a treaty on general and complete disarmament. The first substantive section of the 1960 Soviet proposals states:

"General and complete disarmament entails ... the liquidation of all kinds of military bases." (A/4505)

I turn next to the issue presented in article 1, paragraph 2 (b). According to the suggestion of our delegation, all stockpiles of weapons of mass destruction would be eliminated, their production would be ended, and finally manufacture of those weapons would be prohibited. It is our view that this would accomplish as complete and effective a prohibition of weapons of mass destruction as it is possible to devise. After such weapons have been eliminated and their production has ceased, there would also be a prohibition against anyone trying to produce new ones.

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The basic difference indicated in article 1, paragraph 5 relates to the manner in which a decision will be taken on transition -- a point on which the representative of India spoke this morning. Our delegation prefers to say simply that transition takes place "upon decision". This is based on the terminology used in paragraph 4 of the Joint Statement of Agreed Principles (ENDC/5). We do not think it advisable at this time to say that the decision will necessarily have to be made by the international disarmament organization; we think that this can be the subject of later discussion and negotiation.

In the same paragraph 5 of article 1, there are two additional words in double brackets, indicating Soviet preference. First, there is the word "disarmament" in double brackets before the word "measures". We believe it desirable to be able to consider whether all measures or obligations have been implemented in order to determine whether the treaty is being followed and whether, therefore, a decision should be made to go on to the next stage. The same reasoning relates to our reluctance to include the word "verification", which is now in double brackets, before the word "arrangements".

The first substantial issue presented in article 2 appears in paragraph 1(c). In that paragraph, as will be noted, our delegation would like to say that control arrangements are to be instituted progressively throughout the disarmament process "to provide assurance that agreed levels of armaments and armed forces are not exceeded". The Soviet delegation opposes this. However, we think it is a basic point. In both plans, as the Committee knows, armed forces are to be reduced to specified levels. We think it essential that this Conference find a mutually agreeable way to provide assurance that these agreed levels are not exceeded. If this is not done, there cannot be confidence that the treaty is being fulfilled and, as a number of our colleagues have said, in particular the representatives of Burma, the United Arab Republic, Nigeria and Brazil, confidence that disarmament obligations are being observed is integrally related to the ability to make progress in disarmament.

I turn next to the bracketed clause at the end of article 2, paragraph 2. This clause reads, "and to ensure that the Organization and its inspectors have unrestricted access without veto to all places as necessary for the purpose of effective verification". This clause is almost word for word the last sentence of paragraph 6 of the Joint Statement of Agreed Principles, which the Soviet Government has already accepted.

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I refer next to article 2, paragraph 3, which is proposed by the Soviet delegation and which we find unacceptable. The first sentence of paragraph 3, as will be noted, calls for the adequate representation on the staff of the international disarmament organization "of all three existing groups of states". The United States, for its part, just does not believe that there exist merely three groups of States and that every State can be plunked willy-nilly, whether it likes it or not, into one of these three groups. We just do not like these categories. I believe that our colleague, Mrs. Myrdal, has commented upon this, and it is our general understanding that other States do not like to be put into specific categories, much preferring to be able to form their own opinions from time to time and not to be labelled and have a pin stuck through them on the bulletin board.

In the second sentence in paragraph 3, we think there are a number of defects. In the first place, we do not think it desirable now to suggest that control will be exercised "on a temporary or permanent basis". We think that the control agreed upon will be such control as is believed to be necessary in the light of the particular measure. Secondly, this sentence states that the staff of the international disarmament organization will exercise control over obligations to reduce or eliminate armaments. It will be noted that there is no suggestion whatsoever that some type of control might exist to verify that levels of retained armaments and armed forces are not exceeded.

I will come back later to the remarks of the representative of India on this point. We will probably have to have the advice of some leading experts in this field of verification, but I think we shall have to be careful not to restrict our treaty to the point where the inspectors will be told, "You cannot examine this warehouse because there is nothing in it except armaments legally retained, and you have the right to examine only armaments retained illegally".

The next issue appears in article 2, paragraph 4 (c). Our delegation suggests a provision for submission of information as is necessary to carry out the measures "in effect at the time". As this treaty is carried out it may well be that as experience is gained the measures in effect could be changed from time to time. The Soviet delegation suggests a reference to measures "of the corresponding stage". I think it will be agreed that it is indisputable that some disarmament obligations will continue in force long after the carrying out of the three stages; that is,

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so long as a disarmament obligation continues in force the necessity may exist for submitting information to the international disarmament organization. Therefore, we should not, as the Soviet working would do, suggest that information will be submitted in only one of the three stages of disarmament. That is the substantive difference between us on this point.

Now I would like to turn to article 3. The first brackets appear in paragraph 2 (b) on page 4. Our Soviet colleagues would have us insert after the words "settlement of international disputes by peaceful means" the phrase "in accordance with appropriate procedures provided for in the Charter of the United Nations". At first we thought that this phrase was redundant in that it repeated rather closely the phrase which is contained at the end of paragraph 1, "effective arrangements for the maintenance of peace in accordance with the principles of the Charter of the United Nations". This phrase from paragraph 1 which I have just read does, of course, relate to and modify paragraph 2 since in our draft paragraph 2 begins with the words "To this end". However, we were advised by our Soviet colleagues that it was important to keep in paragraph 2 (b) the phrase "in accordance with appropriate procedures provided for in the Charter of the United Nations" because, in the view of the Soviet delegation, the measures for settlement of international disputes were to be only those procedures -- no others -- that were specifically provided for in the Charter of the United Nations.

If this is the interpretation which our Soviet colleagues wish to place on this phrase, then we find it unacceptable, for such a provision would, we believe, be narrower and more constraining than the United Nations Charter itself. Article 33 of the United Nations Charter provides that parties to a dispute shall first of all seek a solution to a dispute by such devices as negotiation, inquiry, mediation, and so forth, or "other peaceful means of their own choice". Since the United Nations Charter itself contemplates flexibility, imagination and resourcefulness on the part of countries having a dispute and seeking to settle that dispute, we think it important that we should not include a provision in the disarmament treaty which, under the interpretation of the Soviet delegation, would limit disputing parties to the means of settlement which are specifically provided for in the present Charter of the United Nations. Indeed, we hope, and it is part of our proposals for measures to strengthen arrangements for keeping the peace, that countries will

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endeavour, in connexion with the disarmament process itself, to find the most promising ways of settling disputes, even agreeing to new ways when that is mutually desirable. Of course, we believe this is fully in keeping with Article 33 of the United Nations Charter, to which I have just referred.

I turn next to article 3, paragraph 2 (c). It will be seen that there are brackets around two alternative phrases. The Soviet delegation has proposed that the parties base relations with each other on "the principles of peaceful and friendly coexistence and co-operation". It is quite evident that the words suggested by our Soviet colleagues, taken individually and not tied together in this particular phrase are probably unexceptionable. However, taken together there is a different situation. The Soviet proposals refer to "the principles of peaceful and friendly co-existence and co-operation". As you all know, a great deal of work has been done on this subject in the Soviet Union, and within the Soviet bloc and in Communist China. A great many interpretations have been given to this particular phrase "the principles of peaceful and friendly co-existence and co-operation".

But I point out that the principles which have been elaborated in the Soviet Union, in the communist bloc and in Communist China have not been agreed upon internationally by all countries. In fact, if we were to accept the Soviet phrasing we would not know what we were agreeing to, or, stated another way, we would not know what, later on, the Soviet Government would tell us we had agreed to. Since this is a phrase on which they claim a patent, so to speak, and since they have been interpreting it for many years, if we were to adopt it the argument might be that we had adopted it in the sense in which they had previously interpreted it and not in the sense of the ordinary meaning of these words in the dictionary. Nevertheless, in an effort to eliminate the brackets and disagreements with our Soviet colleagues and in order to find an acceptable formulation, we have suggested the phrase "the principles of peaceful and neighbourly relations". This language has already been accepted by the Soviet Union in resolution 1301 of 10 December 1958, at the thirteenth session of the United Nations General Assembly. Our proposal also conforms to the language of an Indian-Yugoslav-Swedish resolution of 14 December 1957.

I would now like to turn to article 3, paragraph 3. I would direct the attention of the Committee to the final phrase in single brackets which begins with "necessary to ensure" and ends with "threat or use of arms". In order to meet concerns expressed by our Soviet colleagues, we made two important changes in our original language. In the first place we added the words "under agreed arrangements" right after the phrase "necessary to ensure". This was because

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our Soviet colleagues told us that it was vital to say that the activities of the United Nations peace force should be subject to agreed arrangements. We therefore met the Soviet proposal as fully as we could by inserting the words "under agreed arrangements".

Secondly we added, right after the words "the United Nations can", the phrase "in accordance with the purposes and principles of the United Nations Charter". We made this change also as a result of representations by our Soviet colleague. However, despite our efforts to obtain a meeting of minds on this point we were not able to reach agreement on this paragraph. I might just mention that the entire phrase in single brackets, that is the United States preference, follows very closely paragraph 7 of the Joint Statement of Agreed Principles.

The last difference revealed in our draft comes in article 3, paragraph 4. We believe that the clause which our delegation suggests is completely adequate. The language which the Soviet delegation proposes is, in our view, much too restrictive. We do not think it desirable, and I would presume that many other countries would not think it desirable, at this time to specify that contingents remaining after general and complete disarmament for maintaining internal order may be used only --- I repeat: only --- to maintain internal order. In some countries, particularly in some of the smaller countries, it may be highly desirable to utilize these contingents for disaster relief, for limited construction jobs or for certain types of patrol work: iceberg patrol, meteorological work, or even --- as sometimes happens in my own country --- postal deliveries at certain peak periods. They might be used for a host of civilian peaceful purposes.

I will now conclude my detailed analysis of the working draft of the co-Chairmen. I am sorry to have taken so long, but I hoped that this detailed discussion of the substance of the differences between us might be of help to other members of this Committee who are being introduced to this draft for the first time, and who might think it was merely a question of language differences.

I believe that the two co-Chairmen have had a most useful discussion on Part I. I believe that a great deal of progress has been made in resolving a number of points and, at the same time, in clarifying certain points of difference. We would, of course, welcome the help and suggestions of all the other members of the Committee. But, in all frankness, we have had a great many meetings on

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this matter, I think each of us has done his level best to meet the points of view of the other, and I do not believe that a great deal more can be done at this time in reducing the brackets in Part I. Perhaps a bracketed word or two here and there could be removed by some skilful manipulation of language or, perhaps, by using certain synonyms. However, I do not think that we should search for general formulae which would merely gloss over the very important issues of difference between my delegation and the Soviet delegation; and indeed, perhaps, between various members of the Committee. If we did this, I am afraid, as I said earlier, that it would create a false impression. There are a certain number of basic differences, and I think it will help us to solve our problems if we face them.

We do have to discuss the details of disarmament measures or the means of verification and strengthening the means of keeping the peace. In the process of these discussions, with the additional knowledge we gain, it may be possible to resolve some of these basic differences and then to return to part I to make appropriate changes in the text. But I would not suggest that we delay going on with our work by attempting at this moment to take the time to resolve the differences. I certainly hope we shall be able to do so and I want to thank my co-Chairman for his patience and for all the time he has given to this matter. As I say, I believe there has been honest give-and-take in this matter. We have shared our thinking and our views with each other, and we now put them before the Committee for examination.

Mr. ZORIN (Union of Soviet Socialist Republics) (translation from Russian): Before expounding the Soviet delegation's attitude towards Part I of the draft treaty on general and complete disarmament, I should like to say just a few words on the statement by the representative of India. It seems to me that several observations made by him today, particularly about the reduction and elimination of nuclear weapons, deserve serious attention.

His observations on this question seem to me particularly important since to some extent they open up a new aspect of this problem: dissemination of nuclear weapons during the actual disarmament process. I think these considerations are very important. This does not mean that the importance of other consideration should be in any way underestimated. I simply emphasize that elimination of nuclear weapons is, in my opinion, the central issue in a treaty on general and complete disarmament; therefore observations on it have special significance.

(Mr. Zorin, USSR)

Mr. Lall very properly drew the Committee's attention to the important matter of transitions from stage to stage, and asked us whether the reference to the Security Council ought not to be deleted from article 40 of the Soviet draft.

We shall of course study closely these points raised by the Indian representative. But I have pointed out that he drew our attention to article 40 concerning the Security Council, but for some reason paid absolutely no attention to the articles in the United States plan which also concern the Security Council -- not less but indeed, I would say, more -- in regard to the problem of transitions from stage to stage. If you refer to the transition from stage I to stage II in the United States plan (ENDC/30, p.19), you will find that paragraph 3 and paragraph 4, which I have already quoted, speak of the role of permanent members of the control council in deferring the completion of a particular stage, and then of the role of the Security Council and the control council in the transition to stage II.

Since the representative of India touches upon the point that article 40 refers to the functions of the Security Council, which, as can be clearly seen from article 40, do not concern transitions from stage to stage, why does he not get about improving the text of that part of the United States draft which deals with this point? This is a little surprising. But of course any representative is entitled to refer to any aspect of any question, and any text. I merely want to point out what the normal approach to this question is. From earlier remarks made by the representative of India, I can understand that he has a somewhat critical attitude to the principle that the transition from one stage to another should be ordered by the Security Council. As far as I can recall, he did not favour this before. But since he did not touch upon this question now, certain doubts naturally arose in my mind. That is one thing I wanted to say about the Indian representative's statement.

I should now like to consider the document which has just been submitted by the co-Chairmen of the Committee after protracted and, I would say, persistent work (ENDC/40/Rev.1). In this respect Mr. Dean is right in saying that each of us has done his level best to reach agreement on a number of questions.

A Working Draft of Part I of the Treaty on General and Complete Disarmament has now been submitted for the Committee's consideration. It reflects to a certain degree the agreement attained between the delegations of the Soviet Union and the United States as a result of lengthy negotiations on a number of questions.

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Unfortunately, however, the draft also contains a number of important provisions which have not been concerted. These unconcerted provisions not only focus our attention on the matters in issue, but also indicate precisely the obstacles to agreement on general and complete disarmament.

Throughout the negotiations with the United States delegation we have persistently tried to ensure that the agreed text shall contain firm and clear provisions on the prohibition and elimination of nuclear weapons of mass destruction. The need for such provisions in a treaty on general and complete disarmament is perfectly obvious. Can one talk about complete disarmament if the agreement leaves at the disposal of States the most powerful and destructive weapons of all -- nuclear weapons?

The Soviet delegation, desiring to provide reliable guarantees eliminating the danger of a nuclear war, insisted above all during the negotiations that article 1 paragraph 2 (b), which requires the elimination of all stockpiles of nuclear weapons and the cessation of their production, should contain a provision prohibiting nuclear weapons. The inclusion of a phrase prohibiting nuclear weapons is not simply an addition to the list of measures for the physical destruction of nuclear weapons and the cessation of their production. It is not only a moral but also a legal reinforcement of such measures.

Unless agreement is reached between States on the prohibition of nuclear weapons, there is no certainty that the obligations to eliminate nuclear weapons will be honestly and completely carried out; or that nuclear weapons will not be used for warlike purposes during disarmament itself. If prohibition of nuclear weapons is enacted in an international treaty and becomes a rule of international law, then the acts of those who take it into their heads to keep nuclear weapons or resume production of these for their military and political purposes will constitute, as lawyers say, a corpus delicti. This group of people will then know that no reservations or verbal acrobatics will save them from a just retribution. But unless the treaty contains a provision prohibiting nuclear weapons both morally and legally, such people will still be able to count on impunity, and the temptation to conceal nuclear weapons or to resume production of them will be great.

(Mr. Zorin, USSR)

Despite all our efforts, the United States delegation has refused to include in the draft of part I of the treaty a provision prohibiting nuclear and other types of weapons of mass destruction. I would say that the United States delegation has been trying to manoeuvre, and is still doing so in agreeing to include in article 1, paragraph 2 (b) words prohibiting the manufacture of nuclear and other types of weapons of mass destruction. It is, however, clear to everyone that the prohibition of nuclear weapons as such and the prohibition of their manufacture are two different things. Prohibition of the manufacture of nuclear weapons does not in any way prevent their retention from existing stockpiles or their use.

In the Eighteen Nation Committee the United States delegation has frequently given assurances that the United States advocates the elimination of the nuclear threat and wants to bring about the destruction of nuclear weapons. We heard as much quite recently, at our meeting on 30 May. Mr. Godber, the representative of an ally of the United States -- the United Kingdom -- even exclaimed pathetically:

"We in the West are very anxious indeed to eliminate these weapons."

(ENDC/PV.45, p.44)

If that is so, just what prevents the United States from agreeing to include in the treaty a firm obligation prohibiting nuclear weapons?

During the negotiations the United States delegation has advanced these extremely strange arguments: it provides for the destruction of nuclear weapons, not at the beginning nor in the middle, but at the end of the disarmament process. However, one wonders what time has to do with the destruction of nuclear weapons? Even from the point of view of the treaty's purposes, to which the United States refers in its text for the first sentence, a provision on the prohibition of nuclear weapons should be included -- if, of course, the draftsmen of this text really set themselves those purposes. Mr. Dean has in fact spoken today in detail about these purposes. If you set yourself certain purposes for the first part of the treaty, then you must state clearly what purposes you set regarding nuclear weapons. It is apparent, however, that the United States does not even want to set itself this purpose of destroying and prohibiting nuclear weapons. However surprising and, I would say, alarming this is, it is a fact.

Part I of the treaty concerns the general obligations of States, as we understand them, lays down the scope of disarmament measures, and says nothing at all about when and how nuclear weapons are to be destroyed. The issue, therefore, is not this,

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but that the United States does not intend to agree to prohibition or, therefore, to the actual destruction of all nuclear weapons and all other types of weapons of mass destruction. That United States position is apparent not only in article 1, paragraph 2 (b). It is also reflected in the United States approach to a number of other paragraphs in part I. To prevent States from resuming manufacture of nuclear weapons, we proposed to include in article 1, paragraph 1 (a), a special reservation that after the completion of general and complete disarmament it will be permitted to produce only strictly limited quantities of agreed types of light firearms -- to equip contingents of police-militia remaining at the disposal of States. The United States delegation, however, refused to accept this proposal.

To cleanse the face of our planet utterly of nuclear weapons and prevent them from ever falling on the heads of the peoples, the Soviet delegation proposed to include in article 3, paragraph 3, governing the equipment of the United Nations peace force, a provision that those agreed armaments should be non-nuclear. More precisely, we wanted to insert only one word, and say "...agreed types of non-nuclear armaments". The United States delegation refused to accept our proposal. We dealt with this matter at yesterday's meeting, and the members of the Committee could see for themselves that the United States contemplates, or at any rate does not rule out, equipment of the international peace force with nuclear weapons.

The explanation given by the United States representative today also causes grave alarm. He said it was too early yet to decide with what weapons the international force remaining at the disposal of States or of the United Nations should be equipped, and that even the police and militia might need armoured cars or the like. But we can of course consider the kinds of firearms with which the militia and police should be equipped when we settle the actual wording of the articles concerning the militia and police. This is indisputable. I doubt, in fact, whether it will be necessary to keep armoured cars; but I regard that as a matter for the future. But why not say now that the weapons will be non-nuclear? Why do you object to this? This immediately causes us grave misgivings about your intentions. If you said straight out that you are in favour of this force being equipped with agreed but non-nuclear types of armaments, your position would be more or less clear. But now when you state that you refuse to say that non-nuclear armaments will be a subject for our future negotiations, you clearly consider that the force may be equipped with nuclear weapons. This, of course, alarms us.

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It is not difficult to determine the reasons for this United States position. The United States is anxious to retain nuclear weapons as a deterrent against the peoples. For its own political purposes it wants to keep the world on the brink of nuclear war. Hence the theory of the first, second and further nuclear strikes, echoes of which we have heard in this room. Hence, also, the propaganda for a preventive nuclear war.

Pressure of world opinion, of the popular will, now compels the United States to maintain that it too is in favour of general and complete disarmament and of the destruction of nuclear weapons. But when the time comes to convert words into deeds, the United States position does not bear scrutiny. It refuses to assume the obligation imposed by prohibition of nuclear weapons and other types of weapons of mass destruction. This is undoubtedly one of the main obstacles to agreement on general and complete disarmament.

Another serious disagreement springs from the United States' refusal to agree to article 1, paragraph 2 (d), which would require --

"The dismantling of all kinds of foreign military bases, and the withdrawal and disbanding of all foreign troops stationed in the territory of any State". (ENDC/40, p.2)

During the debate, the United States has declared that it favours the elimination, as the disarmament process progresses, of all types of armament, military and institutions, including foreign bases. A day or so ago the United States representative, Mr. Dean, assured the Committee that --

"The United States draft treaty outline provides for the reduction and elimination of all bases, whether foreign or domestic, as the disarmament process progresses." (ENDC/PV.45, p.7)

He repeated this today. Incidentally, though he emphasized several times the words "all bases"; in the draft wording before you, sub-paragraph (a) says nothing about the liquidation of "all bases"; the word "all" does not appear any where. But if in principle you do not oppose the dismantling of foreign bases, then why not write into the general undertakings a provision about the liquidation of these foreign military bases? There appear to be some serious reasons for this. What are they?

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In the Committee and during the bilateral negotiations we have been told that agreement has been prevented by conflict over the time limits and the methods and procedure of liquidation of foreign military bases. It has been asserted that the Soviet Union demands a premature dismantling of foreign military bases and that this would lead to an imbalance. But what have all these arguments to do with article 1, sub-paragraph 2 (d)? This sub-paragraph states that foreign military bases must be dismantled, but says nothing about when, how or in what order. Therefore the disagreements to which the United States delegation has referred have absolutely nothing to do with this sub-paragraph. No question arises here of any upsetting of the balance.

Sub-paragraph 2 (d) clearly poses the question whether or not, as general and complete disarmament progresses, foreign military bases should be liquidated. The refusal of the United States to accept this sub-paragraph can only be ascribed to its reluctance to agree really to dismantle military bases in foreign territories. What is behind this position? An answer will be found in the very nature and purpose of the military bases in foreign territories. Today Mr. Dean said that we are particularly interested in this matter because of the geographical distribution of these bases, and that the United States had therefore introduced its formula "wherever they might be located". But this is not only a matter of geography. These bases are situated thousands of miles from the territory of the States to which they are available, and they are essentially and not geographically meant for offensive, aggressive action, for suppressing other nations and influencing various States.

Another important point is that the United States also refuses to undertake to withdraw its troops from foreign territories even as a general obligation of general and complete disarmament. Presumably even during or at the end of general and complete disarmament there will still be United States troops in 35 countries. Perhaps I am wrong; I may be one or two countries out. But I believe this figure is correct, and there are United States troops in 35 different countries. If I am mistaken, the United States representative will correct me; it is 34 or 35 countries.

The position of the United States on the central question of general and complete disarmament -- the elimination of nuclear weapons and the dismantling of military bases on foreign territories -- is directly connected with its attitude towards the essence of the first part of the treaty. The Soviet Government

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considers --and this is reflected in the draft treaty it has submitted --that the general obligations of States relating to disarmament, and to control over disarmament and over the concomitant measures for maintaining peace, must be firm and definite. Only then can there really be general and complete disarmament, and only then can there be certainty that the process of disarmament will be carried out to the end by everyone. During our negotiations with the United States delegation we have consistently followed this line.

The United States delegation's attitude has been diametrically opposite to this, and it has endeavoured to make the first articles of the treaty merely optional statements of general wishes and purposes. Only this morning Mr. Dean spoke at length about these propositions. They can be gathered by members of the Committee from the words in brackets in the introductory sentence of the first part, and from the heading of the first part itself, in which the United States insists on the words "Outline of" obligations instead of the definite formula "General Treaty obligations".

The anxiety of the United States to avoid firm commitments concerning the general scope of general and complete disarmament is also expressed in its delegation's refusal to accept a provision fixing, even in principle, a hard-and-fast time limit for the execution of general and complete disarmament.

When during our meetings we have pointed out that the United States document would extend disarmament over an indefinite and unlimited period, and that the United States does not specify any time limit for the third stage, we have been told that this time limit would be worked out in the negotiations. Today this has been confirmed again by Mr. Dean. In the first sentence of the first article we proposed to leave a blank in which a definite period could be inserted later in the negotiations. Nevertheless the United States has refused to agree to this sentence on the ground that it expresses the idea of establishing a hard-and-fast time limit for the implementation of the whole process of general and complete disarmament.

The United States' opposition to a definite time limit for general and complete disarmament seems closely connected with its attitude towards the period of transition from the first stage to the second. In analysing the United States proposal relating to the transition from stage II to stage III, we have told the members of the Committee of our misgivings at the supplementary conditions which the United States is proposing for the transition from this stage to stage III, that

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certain definite political requirements shall be satisfied. Our disagreements over the text of the first part of the treaty have more than confirmed those misgivings. We proposed to include in paragraph 5 of the first article words requiring confirmation that the disarmament measures had been implemented and that the control system was ready to verify the execution of the disarmament measures which would have to be carried out in the next stage. In other words, we are proposing provisions to give assurance that the obligations relating to general and complete disarmament have been fulfilled.

Nevertheless, the United States does not agree to our proposal. It insists on paragraph 5 being so worded as to permit transition to the next stage to be subjected to compliance with demands, including political demands, having nothing to do with the actual programme of general and complete disarmament. The United States does not even wish to entitle the international disarmament organization to order transition to the next stage. It seems to intend to refer this question to the Security Council, so as to be able to block disarmament by veto.

Definite obligations concerning all measures and time limits are indispensable in the treaty, in order to preclude any return to the arms race. That is precisely why the Soviet delegation is proposing to draft article I, paragraph 1 (b) to ensure that, after general and complete disarmament, States shall have at their disposal only strictly limited contingents of police-militia equipped with light firearms and intended for the maintenance of internal order and the protection of the personal security of citizens, and for the discharge of their obligations with regard to the maintenance of international peace and security under the United Nations Charter.

The provision that only police-militia will remain at the disposal of States has a profound underlying significance. It indicates the functions and standing of the armed forces that would be maintained by States after disarmament. They would be entirely new forces, with new duties and functions differing from those of today's armed forces. On the contrary, the United States wording virtually implies retention of the present structure of armed forces. It is quite obvious that in that case the remaining armed forces could form the nucleus of new and powerful armies.

It must be said that in the other paragraphs the United States is obviously trying to keep open a way back to the old situation that existed before general and complete disarmament. The Soviet delegation has proposed to include in article I, paragraph 2 (g) a provision that all military expenditure, whether from State

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budgets, organizations or private individuals, shall be discontinued. Experience shows clearly that armed forces may be trained and equipped not only from State budgets but also through non-governmental organizations. Mr. Dean referred this morning to the possibility of allocating funds for the acquisition of sporting guns, but I do not think he was being very serious. That, of course, is not the point. I think that certain experiences in history, like the formation of the Reichswehr in Germany, can tell us a lot about how armed forces are raised and their re-establishment subsidized. We want to stop all these bolt-holes, and therefore propose these comprehensive provisions relating to budgets. The United States apparently does not want this, and refuses to accept the additions we propose concerning budgets.

The Working Draft of Part I also shows differences on questions of control. Whereas the United States objects on a number of important questions concerning disarmament obligations, and refuses, for instance, to include obligations on the prohibition of nuclear weapons and on the dismantling of military bases on foreign territories, it demands comprehensive control from the very beginning of disarmament. It does not accept the provision that a definite time-limit shall be fixed for the whole disarmament programme, and insists on a procedure for transition from one stage to the next which would make it possible to halt disarmament at any point; and the wording it proposes for article 2, paragraph 1 on control over the levels of armed forces in fact means a substitution of control over armed forces and armaments for disarmament. Thus the last sentence of paragraph 2 of the second article, borrowed from the Agreed Principles for Disarmament negotiations, also acquires a different meaning contrary to that in the Agreed Principles. In view of the United States demands on control over the level of armed forces, a State which undertook to give unlimited access to inspectors of the international disarmament organization would simply be undertaking to permit unlimited espionage on its own territory.

The same applies to the disagreement over article 2, paragraph 4, on submission of information about armed forces, armaments, military production and military expenditures. The Soviet Union proposes a precise wording, requiring submission of information of this kind on the completion of each stage of disarmament. The United States wording gives carte blanche to demand from States information in no way necessary for implementing any particular stage and of interest only to intelligence agencies. Obviously the Soviet Union will not accept this.

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The last group of differences actually reflects the divergence between the two sides in their attitude towards the United Nations. The Soviet Union's policy is to strengthen the United Nations as an organization for developing co-operation between States and for maintaining peace. The United States' policy, on the contrary, is to undermine and bypass the United Nations and its main organ for maintaining and strengthening peace, the Security Council. In a number of paragraphs of article 3-- particularly paragraphs 2 (b) and 3-- the United States delegation refuses to accept the references to the relevant provisions of the United Nations Charter on the procedure for the peaceful settlement of disputes and for the placing by States of armed forces at the disposal of the United Nations. This attitude can only mean that the United States has in mind some means of settling disputes between States other than the peaceful means provided by the United Nations Charter. Incidentally, Mr. Dean said to-day that our demands unduly restrict the scope of any procedures which might be devised. But this also means that the United States may intend to give the peace force a status different from that prescribed in the United Nations Charter.

The United States' unwillingness to agree to the direct references to the provisions of the United Nations Charter governing settlement of international disputes and the nature of the international armed forces is particularly disturbing because the United States delegation rejects our wording for article 3, paragraph 4 obliging States to refrain from using the contingents of police militia remaining at their disposal upon completion of general and complete disarmament in any manner other than for the safeguarding of their internal security or for the discharge of their obligations to maintain international peace and security under the United Nations Charter. Mr. Dean said to-day that our demands likewise unduly restrict the functions of these armed forces, since they might preclude such peaceful functions as construction and flood control.

This is, of course, not the point. I do not think that anyone, in a treaty on general and complete disarmament, would obstruct the performance of peaceful humanitarian work by any agency or organization, including armed forces. This is not the point at issue. We are afraid of something else: we are afraid that these armed forces would go beyond the requirements laid down for them in the United Nations Charter. The wording proposed by the United States, unlike ours,

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does not preclude the use of armed forces remaining in the possession of States after the completion of general and complete disarmament for purposes contrary to the United Nations Charter -- that is to say, for military purposes.

We cannot help relating this directly to the unwillingness of the United States to accept our text for article 3, paragraph 2 (c) providing that States should base relations with each other on the principles of peaceful and friendly co-existence and co-operation. During the negotiations we asked Mr. Dean why he disliked these four peaceful words -- "peaceful and friendly co-existence and co-operation". What can he possibly have against these four peaceful words? Today he said that they were interpreted differently and had different meanings; but surely the same could apply to any provision of the Charter. There have been countless interpretations of the Charter and of its various phrases and provisions; but for all that it is still an instrument of international law, and we agree on the construction of many of its most important provisions. Why therefore, can we not accept a meaning of "peaceful and friendly co-existence and co-operation" common to us all? This seems to me a flimsy argument. It is difficult to find any other motives to explain why the United States objects to writing into the treaty obligations on peaceful and friendly co-existence and co-operation.

We would also point out to the members of the Committee that the United States delegation has not agreed to include in article 2 our paragraph 3 stating the principles which should govern the structure of the international disarmament organization and prescribing the general duties of its staff. We propose an equitable solution for the problem of selection of staff for the international disarmament organization, taking into account the existing world situation. At meetings of the Committee the United States delegation appeals to us to be realists and have regard to the conditions which exist in the world. However, it does not go beyond general phrases, and will not agree to embody the actual situation in specific words in the draft treaty.

To sum up, it must be said that the provisions of the Working Draft of Part I of the treaty which are not agreed clearly show that the main obstacle to agreement is conflict on the substance of the disarmament measures and above all on the very core of general and complete disarmament -- the elimination and prohibition of

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nuclear weapons. Clearly no treaty could leave the most powerful and destructive weapon in the hands of States and entitle them to use it during the actual disarmament. Such a treaty would not only fail to provide a lasting peace; it would not even live up to its name. The main efforts of the members of the Committee, it seems to us, should be directed towards attaining a firm and definite agreement on the prohibition and elimination of nuclear weapons, the dismantling of foreign military bases, and the implementation of other decisive measures of a programme of general and complete disarmament.

The CHAIRMAN (United Arab Republic): I still have on my list of speakers the representatives of Romania, Poland, the United Kingdom and Bulgaria. I wonder if it would be thought more convenient, in particular to those who have another meeting this afternoon, to adjourn now and continue with the same order on Monday.

Mr. STELLER (United States of America): I must apologize to the committee for this second intervention today by the United States, and particularly to the representative of Romania, who has been kind enough to yield so as to allow the United States delegation to speak before him this morning; but I believe that a very brief reply to the last intervention is called for.

In his intervention the Soviet representative, using great emphasis and much time, concluded with the observation that the most important difference between the United States language and the Soviet language for part I lay in what he described as the failure of the United States language to provide for the elimination and the prohibition of nuclear weapons. It seemed to me that in the course of his remarks -- and we can only assume unintentionally -- he rather confused the United States position with respect to national forces after general and complete disarmament is achieved and the suggestions which we do not make but think should be considered for the United Nations peace force. It seems to me that the language the United States proposes is crystal clear and does provide for the elimination and prohibition of nuclear weapons upon and after the completion of general and complete disarmament. I call attention to paragraph 1, where the United States language calls for provisions "to ensure that ... (b) States have at their disposal upon and after completion of the general and complete disarmament programme only ... non-nuclear armaments ..."

(Mr. Stelle, United States)

I further call attention to paragraph 2(b), where the United States language calls for the "elimination of all stockpiles of nuclear... and other weapons of mass destruction ... and prohibition of the manufacture of such weapons". I also call attention to paragraph 2 (h), "Prohibition of the reconstitution of the foregoing armaments...", which includes nuclear weapons.

We submit that the United States language provides that upon and after completion of general and complete disarmament there will be elimination and prohibition of nuclear weapons.

On the second point, the equipment of a United Nations peace force, we have repeatedly said that we believe this to be a question which should be thoroughly considered. The United States Government and the United States delegation have not taken a position upon whether the United Nations peace force should or should not be equipped with nuclear weapons. We say that, as of this time, we are not prepared to take a position until after further thought, discussion and negotiation, either for or against. Mr. Zorin states that because we say we will not at this time take a position against, then we are taking a position for. I submit that there is some lack of logic in this argument of the Soviet representative.

Mr. LALL (India): May I raise a point of order simply to clarify one small point which the Soviet representative made? I think it has created some misunderstanding which should be ended.

I would like to assure him that I am not departing from my suggestion to eliminate the Security Council from the transitional procedures. On the contrary, I repeated it today -- but perhaps I was speaking too fast for full interpretation to come over; in fact, I was asked by the interpreters to go more slowly, but I was conscious of the passage of time and went on rather fast, and I apologize now to the interpreters. If my suggestion were accepted by all concerned, of course it would follow that the references to the Security Council in the United States draft for transition from one stage to another would become redundant and would have to be eliminated.

The CHAIRMAN (United Arab Republic): If I hear no objection to my proposal regarding procedure, I shall take it as adopted.

It was so decided.

The CHAIRMAN (United Arab Republic): Before today's meeting is adjourned, I would like to say a few words in my capacity as Chairman. It will be recalled that the representative of Nigeria put forward, on behalf of the eight non-aligned delegations, at the forty-second meeting of the Conference held on 25 May, a proposal for an adjournment to take place, if possible, between 15 June and 16 July. At that meeting Mr. Atta clearly stated the purport of this proposal and its underlying considerations. Since the target date mentioned in that proposal is approaching, and since there is an understanding that this matter should be made known as early as possible, I trust that the Committee may now find it possible to take a decision on that proposal. If I hear no objection to the proposal, I will consider it adopted.

It was so decided.

Mr. BURNS (Canada): I wish to make a very brief statement following on the decision which has just been taken. My colleagues will be aware that the Canadian delegation would have been prepared to continue this Conference without interruption. With our discussions fully under way, we would have preferred that there should have been no break in our proceedings, however brief, particularly so soon after our first report to the United Nations Disarmament Commission.

We would also hope that the decision to recess the Conference will not detract from a thorough consideration during the next two weeks of measures in the United States and Soviet disarmament plans which remain to be discussed. We recognize the need which may be felt to give Governments time to take stock of developments at this Conference to date, and we welcome particularly the fact that a firm date has been set for the resumption of our work, because this will enable us to organize the tasks which will need to be accomplished during the recess.

The Canadian delegation intends to undertake a serious re-examination during that period of the matters which have been under discussion to date and, of course, we understand that other participants will be doing likewise, for we consider it most important to take advantage of this recess to review our respective positions and prepare for further constructive work in the next period. We sincerely hope that delegations will return to the Conference after the recess with renewed authority from their Governments which will enable us to make rapid progress towards a wide measure of agreement.

Mr. LORIN (Union of Soviet Socialist Republics) (translation from Russian):

I merely wish to remind members of the Committee that, as the Soviet delegation said at one of our meetings, it is prepared to continue the work without a recess. **It** must, however, consider the views of other Delegations, and therefore did not object to the recess which has just been decided.

Mr. GODBER (United Kingdom): I would like to echo what we have just heard from the representatives of the Canadian and the Soviet delegations. It was certainly our wish that we could continue our discussions. We do understand there are certain delegations who feel the need for a recess. As far as we are concerned, we are anxious to continue the work and when we resume will hope to see this added progress to which Mr. Burns draws attention. If we are all able to return in that spirit, then possibly the recess may indeed assist our work.

Mr. STELLE (United States of America): It had also been the preference of my Government to continue our discussions here, and the United States delegation was under instructions not to propose a recess. However, in view of the clear wish of other delegations, we have agreed.

The Conference decided to issue the following communique:

"The Conference of the Eighteen Nation Committee on Disarmament today held its forty-seventh plenary meeting in the Palais des Nations, Geneva, under the chairmanship of Mr. Hassan, representative of the United Arab Republic.

"Statements were made by the representatives of India, the United States, the Soviet Union, Canada and the United Kingdom.

"The Conference decided to recess from 15 June to 16 July 1962.

"The next plenary meeting of the Conference will be held on Monday, 4 June 1962, at 10 a.m."

The meeting rose at 1.20 p.m.

